

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Earl Ollie,

Plaintiff,

v.

Civil No. 10-4806 (JNE/LIB)
ORDER

Biard, Johnson (4-19-1999),
Mercil, Parker (1-5-2000),

Defendants.

This case is before the Court on a Report and Recommendation issued by the Honorable Leo I. Brisbois, United States Magistrate Judge, on December 8, 2010. The magistrate judge recommended that Plaintiff's application for leave to proceed *in forma pauperis* be denied, that this action be dismissed, and that Plaintiff be required to pay the unpaid balance of the filing fee. Plaintiff objected to the Report and Recommendation. The Court has conducted a de novo review of the record. *See* D. Minn. LR 72.2(b). Based on that review, the Court adopts the Report and Recommendation [Docket No. 3]. Therefore, IT IS ORDERED THAT:

1. Plaintiff's application for leave to proceed *in forma pauperis* [Docket No. 2] is DENIED.
2. This action is DISMISSED pursuant to 28 U.S.C. § 1915A(b)(1).
3. Plaintiff is required to pay the unpaid balance of the Court filing fee, namely the full \$350, in accordance with 28 U.S.C. § 1915(b)(2).

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: January 26, 2011

s/ Joan N. Ericksen
JOAN N. ERICKSEN
United States District Judge